

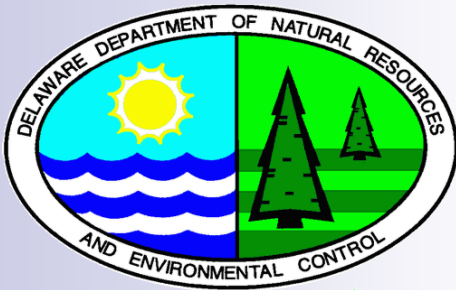
Public Hearing

June 27, 2013



AMENDMENT TO Plating and Polishing Standard

Section 10 of
7 DE Admin. Code 1138



Blue Skies Delaware; Clean Air for Life

Department's Presentation

- **Introduce** the public hearing handouts
- Provide **brief background** information on
 - EPA's initial development of an air toxics rule in 2008 (40 CFR Part 63 Subpart 6Ws)
 - Department's adoption of a comparable regulation in 2009 (Section 10)
 - EPA's revision of Subpart 6Ws in 2011 **to improve clarity**
 - Department's current activities to amend Section 10 in light of the EPA's 2011 revision



EPA's Area Source Air Toxics Program

- On **July 1, 2008**, EPA issued an area source air toxics standard applicable to small facilities



- **Plating and Polishing Operations**
at Area Sources

- 40 CFR Part 63
Subpart W W W W W W W
(Sub 6Ws)





Sub 6Ws - Affected Facilities

- **Electrolytic plating operations**
 - Non-cyanide electroplating
 - Cyanide electroplating
 - Flash electroplating
- **Non-electrolytic plating operations**
 - Electroless plating
 - Other metal coating operations
 - Chromate conversion or MnPO_4 coatings
 - $\text{Ni (C}_2\text{H}_3\text{O}_2)_2$ or $\text{Na}_2 (\text{Cr}_2\text{O}_7)$ sealing
 - Thermal spraying operations
- **Dry mechanical polishing operations**

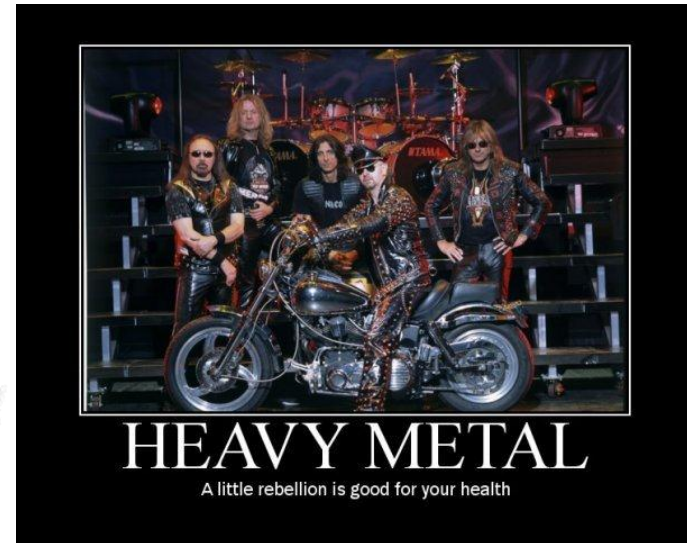
But
only if one or more
“**Plating and
Polishing Metal
HAPs**”
is involved in that
operation
!!!!





Sub 6Ws - Plating and Polishing Metal HAPs

- **Cadmium** and its compounds
- **Chromium** and its compounds
- **Lead** compounds
- **Manganese** and its compounds
- **Nickel** and its compounds



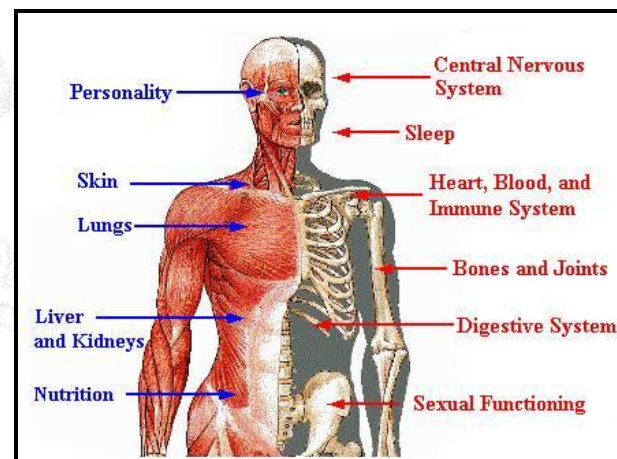
Health Impacts – Carcinogenic Effects

EPA classified **known carcinogen** (Group A)

- Cr+6 compounds

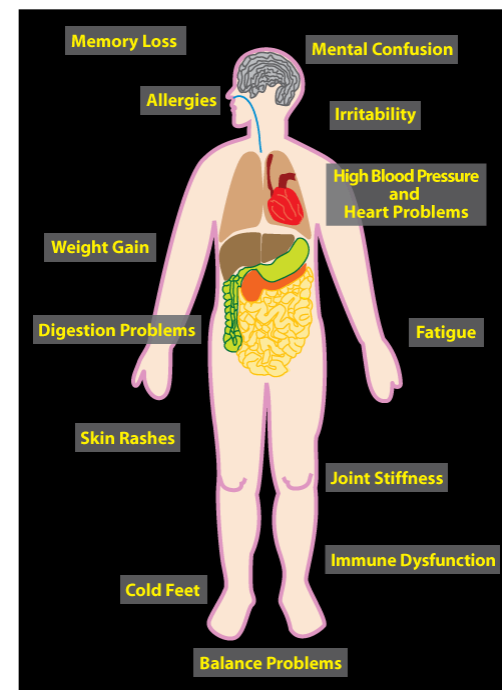
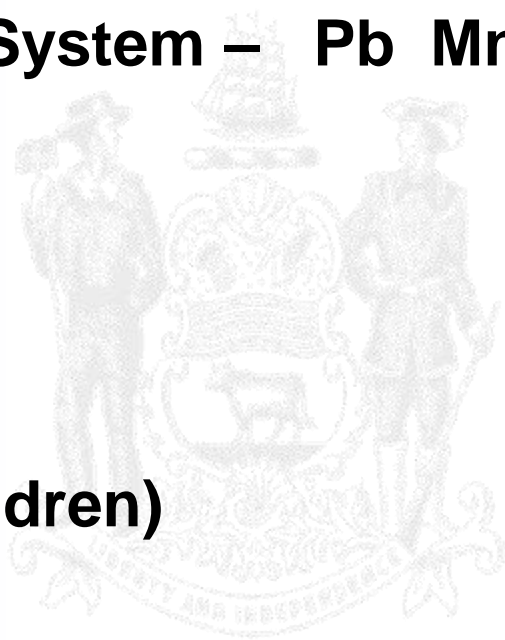
EPA classified **probable carcinogen** (Group B1/B2)

- Cadmium and its compounds
- Lead compounds
- Nickel and its compounds



Health Impacts – Non-carcinogenic Effects

- Renal System – Cd
- Respiratory System – Cd Cr+3 Mn Ni
- Central Nervous System – Pb Mn
- Blood – Pb
- Skin – Ni
- Development –
Cd (fetus)
Pb (fetus & children)



Sub 6Ws - Requirements for Facilities

- **Control Technology Requirements**
 - Fume Suppressants
 - Capture & Control Systems (filters)
 - Equipment Covers
 - Reduced Operating time
- **Management Practices**
- **Compliance Demonstration**
- **Other Miscellaneous Requirements**



Delaware's Area Source Air Toxics Program

- On **June 9, 2009**, DNREC conducted a **public workshop** for the Department's planned adoption of Federal Sub 6Ws as **Section 10** of Reg. 1138
- On **August 25, 2009**, DNREC held a **public hearing** on the proposed new Section 10
- On **Nov. 11, 2009**, Section 10 became **Final and Effective**



Well Time Passes



But as
the July 1, 2010
Compliance Date for
existing sources
Approaches



Blue Skies Delaware; Clean Air for Life

The EPA Was Inundated with Questions on Sub 6Ws

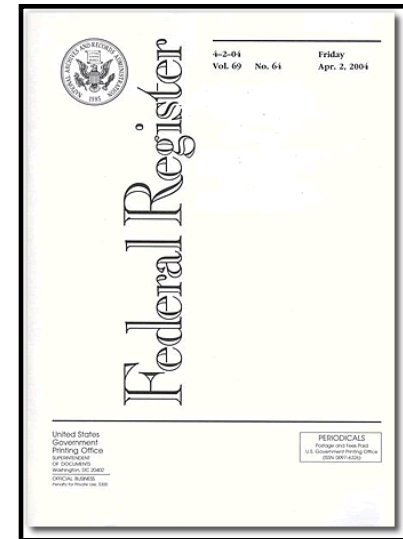




EPA's Area Source Air Toxics Program

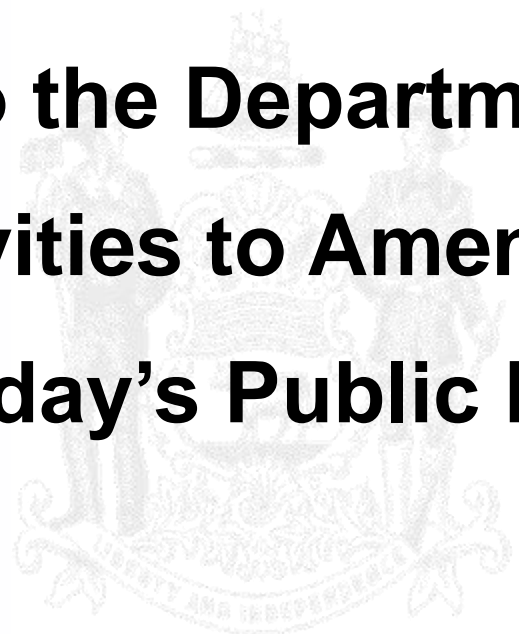
- By **September 19, 2011**, EPA had concluded discussions with affected sources and finalized their amendment to Sub 6Ws to address . . .

“aspects of the rule as promulgated [that] led to **misinterpretations, inconsistencies, and confusion** regarding the applicability of the rule.”





**Which Brings
Us to the Department's
Current Activities to Amend Section 10
And Today's Public Hearing**



DNREC's Proposed Amendment to Section 10

- On **August 21, 2012**, the **Secretary approved** the Department's request to amend Section 10 consistent with the federal changes to Sub 6Ws
- On **April 23 and May 1, 2013**, the Department presented the proposed revisions to Section 10 at **public workshops conducted** in Georgetown and New Castle
- On **June 1, 2013**, the proposed amendment to **Section 10 appeared** in the Delaware Register of Regulations





Proposed Revisions to Section 10

- Laundry List of **Clarifications**
 - Applicability - Affected and Exempt sources
 - To**
 - Definitions & terminology
- **Plus** additional requirements
 - Providing more control options
 - To**
 - Updating SS&M requirements
- Corrections, formatting,
And consistency



Laundry List of Changes Incorporated into Section 10

1. Clarified issues on the whether certain plating and polishing operations were “affected” by or “exempted” from Sub 6Ws.
 - Clarified that the dry mechanical polishing of thermally plated parts was subject to Sub 6Ws
 - Clarified that “bench-scale operations” were NOT subject to Sub 6Ws
 - Clarified that spray of coating at room temperature was NOT subject to Sub 6Ws
 - Clarified that plating & polishing operations undertaken to repair surfaces or equipment were NOT subject to Sub 6Ws
 - [Allegedly] clarified that plating & polishing operations undertaken for maintenance were NOT subject to Sub 6Ws
2. Clarified how to determine the concentration of P&PM HAPs
 - Clarified that determination of concentration of P&PM HAPs was not limited to just MSDS information.
 - Clarified that determination of concentration of P&PM HAPs in a tank path was may be determined on the “as used” tank bath concentration.



Revision to Proposed Section 10

- The Department is recommending revising proposed **10.8.1.4** of Section 10 language **to eliminate a potential forced “non-compliance” situation** that was inadvertently created by incorporating the EPA revisions
- The Department is not aware of an facility that is impacted by this revision



Revision to Proposed Section 10

■ Addressing EPA change in 63.11509(a)(4)

10.8.1.4 The owner or operator of an new or reconstructed affected source that started up after July 1, 2008 shall submit an initial notification ~~not later than 120 calendar days~~ after upon startup of the affected source or November 11, 2009, whichever is later.

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Intended Change to Provide More Appropriate Submittal Date versus the Date Appearing in the 6/1/13 Delaware Register of Regulations

Initial Notification - Submittal Date for New and Reconstructed Sources.

Original adoption language – Nov. 11, 2009

10.8.1.4 The owner or operator of an affected source that started up after July 1, 2008 shall submit an initial notification not later than 120 calendar days after startup of the affected source or November 11, 2009, whichever is later.

Proposed amendment language submitted for June 1, 2013 Register (Note 1)

10.8.1.4 The owner or operator of an new or reconstructed affected source that started up after July 1, 2008 shall submit an initial notification not later than 120 calendar days after upon startup of the affected source or November 11, 2009, whichever is later.

Revision to proposed amendment that appeared in the June 1, 2013 DE Register



Technical Corrections to Proposed Section 10

- **Two revisions** submitted to the Register on May 14, 2013 were **not incorporated** in the June 1 Register
- Extraneous quotation marks not removed in definition within 10.2
- Deletion of one of two uses of “or short term” in 10.9.1.5 was missed

Technical Corrections to Proposed Amendment of Section 10,

As it Appeared in the June 1, 2013 Delaware Register of Regulations

The following non-substantive changes to Section 10 (shown below in bold text) were included in the Department's submittal of the proposed amendment to Section 10 on May 14, 2013 to the Delaware Registrar for its inclusion in the June 1, 2013 Register of Regulation. However, the changes below did not appear in the published proposed amendment.

Technical Correction #1

10.2 Definitions

“Deviation” means any instance in which an affected source or an owner or operator of an affected source: [“]Fails to meet any requirement or obligation established in 10.0 of this regulation including, but not limited to, any equipment standard (including emission and operating limit), management practice, or operation and maintenance requirement;

[“]Fails to meet any term or condition that is adopted to implement an applicable requirement in 10.0 of this regulation and that is included in the operating permit for any affected source required to obtain such a permit;



Revisions to Proposed Section 10

- DNREC informed the known plating and polishing facilities of the recommended changes and technical corrections on June 10
- DNREC updated the regulatory webpage in a manner that would clearly point out the changes to the proposed Section 10

Title 1 Department of Natural Resources and
Environmental Control
1138 Emission Standards for Hazardous Air
Pollutants for Source Categories

10.0 Emission Standards for Hazardous Air
Pollutants for Area Source Plating and Polishing
Operations

44/44/09 9/11/13

10.1 Applicability.

10.1.1 The provisions of 10.0 of this regulation
apply to each plating and polishing operation
that is an area source of hazardous air
pollutant (HAP) emissions and meets the
criteria in 10.1.1.1 through 10.1.1.3 of this
regulation.

10.1.1.1 A plating and polishing operation is any
operation that is engaged in one or more
of the processes listed in 10.1.1.1.1
through 10.1.1.1.6 of this regulation.

10.1.1.1.1 Non-chromium electroplating.

10.1.1.1.2 Electroless plating.



Regulatory Requirements For Public Noticing and Participation Met



Section 10 Public Noticings

- Email communications during development of draft and proposed language
- Public workshop and public hearing notices in
 - The Delaware State News and News Journal
 - Delaware Register of Regulations
 - State Calendar of Public Meetings
 - DNREC Public Notices Website
 - E-News Updates from Delaware's Office of Environmental Protection
 - DAQ's Section 10 regulatory web page



Other information

- A listing of **existing facilities** that may become affected sources
- The Department's determination that the potentially affected sources **do not qualify** for additional consideration for less stringent requirements under the Regulatory Flexibility Act
- Revision to the previously developed **compliance assistance tool** reflecting EPA's revised submittal date



For the latest information,
follow the ongoing development on
Section 10 Regulatory Web Page

www.dnrec.delaware.gov/whs/awm/Info/Regs/Pages/AmendSection10.aspx

